APPEAL NO. 030945
FILED MAY 30, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on March 19, 2003. The hearing officer decided that the appellant's (claimant herein) compensable injury does not extend to include left carpal tunnel syndrome (CTS). The claimant appeals, contending that the evidence showed that her compensable injury extended to left CTS. The respondent (self-insured herein) replies that the decision of the hearing officer is supported by the evidence, but contains a "misprint."

DECISION

We reform one of the hearing officer's Conclusions of Law to correct a typographical error. Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer as reformed.

It was undisputed that the claimant suffered a compensable injury to her left shoulder on _____. The claimant contends that her injury extended to left CTS. The hearing officer found that the claimant's left hand and wrist pain appear to be from her _____, compensable injury, but that the claimant's injury does not extend to left CTS.

We have held that the issue of the extent of an injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied). When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). This is so even though another fact finder might

have drawn other inferences and reached other conclusions. Salazar v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

In the present case, there was conflicting evidence, and it was the province of the fact finder to resolve these conflicts. Applying the above standard of review, we find no legal basis to overturn the hearing officer's decision.

The carrier points out that in one of the hearing officer's Conclusions of Law, it reads "left ankle" where it should read "left shoulder." We reform the hearing officer's decision to read "shoulder" whenever the word "ankle" appears.

The decision and order of the hearing officer are affirmed as reformed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

RICK BERRY
10300 JONES ROAD
HOUSTON, TEXAS 77065.

_____
Gary L. Kilgore
Appeals Judge

CONCUR:

_____
Margaret L. Turner
Appeals Judge

_____
Edward Vilano
Appeals Judge